

REMARKS

The Examiner has objected to the disclosure of the specification on the grounds that the first page states that the present application is a continuation of U.S. Serial No. 09/981,775 rather than 09/891,775, and that the present application claims priority to U.S. Serial No. 09/891,775. Applicant notes that a preliminary amendment was mailed on March 22, 2004 in which this change to the specification was requested. In addition, a new declaration and power of attorney which properly indicates a claim of priority from U.S. Patent Application Number 09/891,775, filed June 25, 2001, was submitted with the preliminary amendment to replace the declaration and power of attorney originally filed with the present application. Thus, the priority data and specification correction for the present case has been submitted, and Applicant requests that the objection be withdrawn.

Claims 1-26 are pending in the application. Claims 1-26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 4,800,879 to Golyakhovsky et al in view of U.S. Pat. No. 5,409,499 to Yi.

In accordance with the Examiner's suggestion, Applicant has amended independent claims 1, 5, 9, 13, 17, and 21 to require that in the U-shaped configuration, the first and second arm portions of the surgical clip are substantially parallel to each other before, during, and after application of the clip to tissue of the patient. Dependent claim 11 has been cancelled. In a telephone interview on July 7, 2009, the Examiner agreed that this limitation would distinguish the claimed invention over the art of record. Thus, applicant submits that the rejection of the claims should now be withdrawn.

In light of all of the above, it is submitted that the claims are in order for allowance, and prompt allowance is earnestly requested. Should any issues remain outstanding, the Examiner is invited to call the undersigned attorney of record so that the case may proceed expeditiously to allowance.

Respectfully submitted,

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